

**DEPARTMENT OF ENVIRONMENTAL QUALITY NOTICE OF PUBLIC COMMENT PERIOD FOR
REVISED NO DISCHARGE ZONE APPLICATION FOR FARNHAM CREEK IN RICHMOND COUNTY
AND LANCASTER CREEK IN RICHMOND AND LANCASTER COUNTIES**

PURPOSE OF NOTICE: The Virginia Department of Environmental Quality (VADEQ) is announcing its intent to apply to the U.S. Environmental Protection Agency (EPA) to designate a federal No Discharge Zone and is seeking public comment on the revised draft application.

PREVIOUS MEETING AND COMMENT PERIOD: A public meeting to solicit public comment for the designation of Farnham Creek and Lancaster Creek as federal No Discharge Zones (NDZs) was held on October 5, 2010. Public comments from stakeholders and EPA were received and used to revise the draft application which is now presented for public review. A NDZ designation bans the overboard discharge of human sewage, either treated or untreated, in these creeks. The NDZ does not, however, apply to greywater boat discharges.

DESCRIPTION OF STUDY: House Bill 1774 resolves that all tidal creeks in Virginia be designated federal No Discharge Zones, and directs the VADEQ to pursue this designation. It is currently illegal to discharge raw sewage in U.S. territorial waters. In a NDZ, this ban is expanded to include sewage treated by on-board marine sanitation devices. This designation is determined by EPA upon application from the states, and is contingent on the states' demonstrating a) the need for enhanced protection of water quality, b) the availability of sufficient local alternatives to overboard discharge (i.e. pump-outs), and c) local stakeholder support. VADEQ is seeking this designation as one component of a "clean-up plan" for small tidal Chesapeake Bay tributaries. These small tributaries are frequently impaired for shellfish harvest due to elevated levels of fecal bacteria. NDZs will also prevent the direct discharge of nutrients from boats to these creeks which will help Virginia reach the goals in the Chesapeake Bay TMDL for nutrient reduction. VADEQ has conducted an analysis of boat traffic and pump-out availability in Farnham and Lancaster Creeks, and concluded that existing pump-out facilities are adequate to service estimated peak-season demand. A revised draft application for the No Discharge Zone designation has been prepared and is available for public review and comment.

Stream Name	County	Area proposed for NDZ
Farnham Creek	Richmond	All contiguous waters upstream of its mouth at the Rappahannock River
Lancaster Creek	Richmond and Lancaster	All contiguous waters upstream of its mouth at the Rappahannock River

SUMMARY OF NDZ APPLICATION REVISION: Three main revisions have been made to the draft application to include the following: (1) Inclusion of the Lancaster County side of Lancaster Creek. Due to the difficulty in utilizing the established EPA formula to calculate service requirements for half of any

given creek, the Richmond County application now incorporates all of Lancaster Creek, including the Lancaster County portion. The Lancaster County portion was excluded in the first draft of the No Discharge Zone application. (2) Updated Facility Information. In section 3 of the application, the hours of operation for Whelan's Marina were changed from 24 hours per weekend to 5 hours per weekend in order to reflect the information provided in writing by Whelan's Marina. Also, Garrett's Marina, located on the Essex County side of the Rappahannock River, was included as an alternative marina located within a reasonable distance from the proposed No Discharge Zone. This addition is for informational purposes only and Garrett's services are not included in the calculations of the EPA formula in Section 7 of the application. (3) Updated Number of Vessels and Estimated Number of Facilities Needed (sections 3.3 and 7 of the application). In the interest of obtaining a conservative estimate of the number of facilities needed to provide pumpout and dump-station services for every potential vessel in the proposed NDZ, the formula now uses the combined totals from marina surveys (i.e., Field Data) and numbers from the U.S. Coast Guard. Also, because all of Lancaster Creek is now part of the application (including the Lancaster County portion), a proportional number of boats from Lancaster County was added to Richmond County's total vessels, based on the number of E911 structures that are part of Lancaster Creek's watershed on the Lancaster County side of the creek.

The revised draft NDZ application for Farnham and Lancaster Creeks is available for review at:

<http://www.deq.virginia.gov/tmdl/ndz.html>

HOW TO COMMENT: DEQ accepts written comments by e-mail, fax, or postal mail. Written comments should include the name, address, and telephone number of the person commenting and be received by DEQ during the comment period, which will expire on February 16, 2011.

CONTACT FOR ADDITIONAL INFORMATION / SUBMIT COMMENTS TO:

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